REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 11-16 are now pending in this application. Claims 11, 12, and 14 are amended. Claim 16 is added. Support for the amendment of claims 11 and 12 is found at least at page 47, lines 18-26, and page 49, Table 1. No new matter is added. Support for the added claim is found at pages 5 and 6. Claim 10 is canceled by the present amendment.

In the outstanding Office Action, Claims 10-15 were provisionally rejected under the doctrine of nonstatutory double patenting over claim 1 of Application No. 10/241,479. Claims 10-15 were rejected under 35 U.S.C. § 103(a) as obvious over Sasaki, U.S. 4,267,064. Claim 10 was rejected under 35 U.S.C. § 103(a) as obvious over UK Patent Application 2,121,818.

Claims 10-15 were rejected under 35 U.S.C. § 103(a) as obvious over Sasaki, U.S. 4,267,064. The rejection of claim 10 is rendered moot by its cancellation. Claims 11 and 14 are herein amended.

As amended, claim 11 is directed to a refrigerant composition comprising a lubricating oil and a hydrogen-containing fluorocarbon as a refrigerant. The lubricating oil contains, as a main component, a polyoxyalkyleneglycol derivative having the formula CH_3-$(OC_3H_6)_m$-OCH_3, wherein m is an integer of 1 to 80. The polyoxyalkyleneglycol derivative has a kinematic viscosity of 2 to 9.70 cSt at 100°C.

In contrast to claim 11, Sasaki discloses a lubricating oil having a kinetic viscosity of 25–50 cSt at 98.9°C. Sasaki does not teach or suggest a refrigerant composition with a lubricating oil having at least one polyoxyalkyleneglycol derivative with a kinetic viscosity of 5 to 22.4 cSt at 100°C. Indeed, Sasaki discloses a kinetic viscosity of between 25 and 50 cSt, with a preferred viscosity of 30-40 cSt. Sasaki teaches that "departures from this viscosity

containing fluorocarbon and a lubricating oil with a polyoxyalkyleneglycol derivative with a kinematic viscosity of 2 to 9.70 cSt at 100°C. Such compositions have a higher temperature of phase separation as compared to compositions with a fluorocarbon and an oil with a range would lead to objectional (sic) results. Less viscosity would result in loss of the desired oil film for sealing at elevated temperatures." Col. 3, lines 20-23. Thus, Sasaki teaches away from the range in the present invention.

The claims in the present application are directed to compositions having a hydrogen-kinematic viscosity over 25 cSt, as disclosed in Sasaki. In support of the criticality of the lowered range of kinematic viscosity in the present claims, Applicants intend to submit a Declaration under 37 CFR 1.132 as soon as possible.

Claims 14 and 15 (and new claim 16) depend from claim 11. Claim 12 includes all the limitations of claim 11, and claim 13 depends from claim 12. Thus, all of the presently active claims necessarily include all the limitations of claim 10. Accordingly, these claims are not rendered obvious by Sasaki for the same reasons noted above. Applicants respectfully request withdrawal of these rejections and allowance of claims 12-16.

Claim 10 was rejected under 35 U.S.C. § 103(a) as obvious over UK Patent Application 2,121,818. Applicants herein cancel claim 10, rendering this rejection moot.

Claims 10-15 were provisionally rejected under the doctrine of nonstatutory double patenting over claim 1 of Application No. 10/241,479. In response thereto, Applicants submitted a terminal disclaimer with its response filed on April 30, 2007. Though the amendment with that response was not entered, it appears (from the File History of the present application on PAIR) that the terminal disclaimer was entered. Accordingly, Applicants request withdrawal of this ground of rejection.

In light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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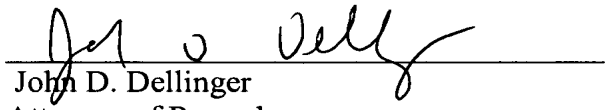

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